



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/849,768

Date: March 18, 2003

Date Filed: 5/4/2001

Examiner: Pechhold, Alexandra

Applicant: K. Krueger et al.

Group: 3671

Title: Stormwater Management System

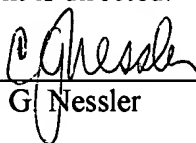
Attorney No. STT-0003 (2307)

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DECLARATION

1. I make this declaration in connection with patent application serial number 09/849,768.
2. I prepared the accompanying declaration of James Nichols dated March 17, 2003. I concur in the statements in the declaration. I also knew of no work at Nichols employer/assignee which taught a continuous curve chamber.
3. I was patent attorney for the applications which resulted in Patents 5,336,017 and 4,759,661 and had the drawings prepared for both.
4. As indicated in the application the '017 patent, the invention there is an improvement in joint and subarch configuration over the prior art. It was presented in terms of the prior art chamber of the '661 application.
5. Nichols '017 Fig. 4 is almost entirely a reproduction of Fig. 4. Both comprise artistic renderings of the chamber body, sidewall and slots of a chamber. Such features were only suggested because they were immaterial to the claims (other than the generality of having an arch shape). They were suggestive to enable focus was on the end details of chambers and the joint between chambers.
6. The Fig. 1 and 4 drawings were not intended to communicate, and should not be interpreted to describe, anything more about the prior art than what is referred to, namely, the chamber design shown in Pat. No. 4,759,661, for reasons set forth in the Nichols declaration. Obviously, if I had to instruct the draftsman again, it would have been to be more detailed and faithful to the original '661 drawing.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.


Charles G. Nessler